

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN LORENTS GROSFIELD**, on March 28, 2001  
at 9:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Lorents Grosfield, Chairman (R)  
Sen. Duane Grimes, Vice Chairman (R)  
Sen. Al Bishop (R)  
Sen. Steve Doherty (D)  
Sen. Mike Halligan (D)  
Sen. Ric Holden (R)  
Sen. Walter McNutt (R)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Valencia Lane, Legislative Branch  
Cecile Tropila, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearings: HB 637  
Executive Action: HB 30, HB 313

#### **HEARING ON HB 637**

**Sponsor:** REP. CHRISTINE KAUFMAN, HD 53, HELENA

**Proponents:** Pam Bucy, Assistant Attorney General  
Sharon Hoff-Brodowy, MT. Catholic Conference  
Mitzi Grover, Program Coordinator, Juvenile  
Council  
Andy Hunthausen, Counselor and Mediator  
Janie McCall, Chairman State Youth Justice Council

**Betty Whiting, MT. Assoc. of Churches  
Karen Sedlock, Volunteer Member of Criminal  
Juvenile Justice Council**

**Opponents:**       None

**Opening Statement by Sponsor:**

**REP. CHRISTINE KAUFMANN, HD 53, HELENA**, felt there was too many prisoners locked up for crimes that would be specified as non-violent crimes. She said these criminals need treatment in other ways. She said this bill allows offenders to move to a community-based program. This bill would allow for an office of restorative process having a coordinator assist in bringing resources to these programs. She mentioned grant allocations and an empty fund where they could collect various sources of money to support these community based programs.

**Proponents' Testimony:**

**Pam Bucy, Assistant Attorney General**, strongly supports this bill. She said these programs are cost effective and work well. She mentioned other programs within the state and how they are used on a smaller scale. She said these programs need to be implemented to a full scale.

**Sharon Hoff-Brodowy, MT. Catholic Conference**, handed in her testimony **EXHIBIT(jus70a01)**.

**Mitzi Grover, Program Coordinator, Juvenile Council**, handed in her testimony **EXHIBIT(jus70a02)**.

**Andy Hunthausen, Counselor and Mediator**, handed in his testimony **EXHIBIT(jus70a03)**.

**Janie McCall, Chairman State Youth Justice Council**, supports this bill and the base of the bill to build public safety and addressing victims' rights. She said the Youth Justice Council has offered support with programs throughout the state. She said they are willing to work with the sponsor and the attorney general's office to promote this effort.

**Betty Whiting, MT. Assoc. of Churches**, mentioned the restorative program in Michigan and how it works. She talked about her involvement with a program from Billings and the need for these types of programs. She urged support of this bill.

**Karen Sedlock, Volunteer Member of Criminal Juvenile Justice Council**, said these programs work well. She commented on the

council and how they meet with individuals to offer them support and work with them to grow.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. MIKE HALLIGAN** asked about policy changes. **REP. KAUFMAN** explained the program from Virginia. She said these programs work locally with officials. She felt there needed to be a statutory requirement to provide resources and be ready for use.

**SEN. HALLIGAN** asked about telling the judges and officials through the statutes. **Pam Bucy** said there has to be the program before a judge can order the use of the program. She said there are no adult offender programs currently.

**SEN. DUANE GRIMES** referred to an incident with judges and people assigned in a faith-based way. He wondered how this bill could be implied to community settings and not with the private sector. **REP. KAUFMAN** said she is not opposed to amending the bill to include private sector areas. She pointed out funding and grants that could be available to begin these programs.

***{Tape 1; Side B}***

**SEN. HALLIGAN** asked if there is money still available for use. **REP. KAUFMAN** answered yes, there is only \$100,000 available.

**SEN. HALLIGAN** asked if the \$100,000 was in HB 2. **REP. KAUFMAN** answered no, not at this time.

**SEN. GRIMES** asked if a position was offered, could they amend the bill for emphasis to working with faith-based organizations. **Pam Bucy** felt no amendment was needed because the people administering the program would be eligible for grants. **Sharon Hoff-Brodowy** said the faith-based communities want to work together with other community programs. She mentioned the Catholic program and the campaign money available to be work together as partners.

**SEN. GRIMES** asked what the vote in the House was. **REP. KAUFMAN** said it was 93 to 6.

**Closing by Sponsor:**

**REP. CHRISTINE KAUFMAN, HD 53, HELENA,** visited with the Department of Corrections and the Department of Justice about

these programs. She said there is no attempt to gain funding from these departments and they agreed The Department of Justice would be a good place for this type of office to house the program. She urged support of this bill.

#### **EXECUTIVE ACTION ON HB 30**

**Motion:** SEN. GRIMES moved HB 30 BE CONCURRED IN. Minutes from the hearing on HB 30 were handed out **EXHIBIT(jus70a04)**.

#### **Discussion:**

**CHAIRMAN GROSFIELD** said this bill had no opponents or proponents. He said this bill is requested by the Law, Justice and Indian Affairs Committee, a code commissioner bill.

**SEN. GRIMES** wondered why this bill was referred to this committee.

**CHAIRMAN GROSFIELD** clarified the response dealing with the Supreme Court decision.

**Vote:** Motion carried unanimously.

#### **Discussion on HB 165**

**CHAIRMAN GROSFIELD** mentioned proposed amendments to this bill.

**SEN. GRIMES** asked if objects of evidence were placed in this amendment rather than reasonable finding.

**CHAIRMAN GROSFIELD** answered yes. He said page three of the amendments offers the definition of objects. He said this becomes the preponderance of the evidence.

#### **EXECUTIVE ACTION ON HB 313**

**Motion:** SEN. GRIMES moved HB 313 BE AMENDED. Amendments were handed out **EXHIBIT(jus70a05)**.

#### **Discussion:**

**SEN. GRIMES** said the issue of counseling was relevant dealing with the amount of time involved. He said there needs to be additional counseling required and opportunities given to the judge in order to assist these offenders.

**Withdrawn Motion:** SEN. GRIMES withdrew his motion due to time constraint for discussion on this bill. Committee will meet again at 3:00 p.m. this afternoon.

**ADJOURNMENT**

Adjournment: 10:00 A.M.

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SEN. LORENTS GROSFIELD, Chairman

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CECILE TROPILA, Secretary

LG/CT

**EXHIBIT** (jus70aad)